

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRACI LEE LASH,
Plaintiff

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Defendant

:
:
:
:
:
:
:

CIVIL ACTION

NO. 17-0466

ORDER

AND NOW, this 26th day of October, 2017, upon consideration of the plaintiff's request for review, the defendant's response thereto; and after review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Jacob P. Hart, IT IS HEREBY ORDERED that:

1. The plaintiff's Objection is OVERRULED;¹
2. The Report and Recommendation is APPROVED and ADOPTED;
3. The decision of the Commissioner of Social Security is AFFIRMED.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, C. J.

¹ Upon *de novo* review, I find that the plaintiff's Objection is meritless. The plaintiff argues that Judge Hart erred in finding that substantial evidence supported the ALJ's finding that the plaintiff was capable of light work limited to occasional walking and standing. The plaintiff insists that her restrictions should have resulted in the ALJ finding a residual functional capacity for sedentary work which would have rendered her disabled as of the date of her 50th birthday. The ALJ is permitted in such cases, however, to consult a vocational expert rather than applying the lower exertional level found in the Regulations. When the ALJ posed a hypothetical based on the plaintiff's limitations, the vocational expert explicitly interpreted the limitation of occasional standing and walking to mean three hours. The ALJ then determined that the plaintiff's residual functional capacity allowed her to perform jobs in significant numbers in the national economy. That decision is based on substantial evidence. Accordingly, I will approve and adopt Judge Hart's well-written Report and Recommendation.